

The specification was objected to on the grounds that it allegedly does not comply with the sequence rules set forth in 37 CFR 1.821-1.825. As the Office Action is understood, the objection would be obviated by recitation in the brief description of the drawings of the nucleic acids appearing in the figures by SEQ ID NO.

Accordingly, Applicants have amended the specification in order to recite the necessary SEQ ID NOS in the brief description of the drawings. Withdrawal of the objection is therefore requested.

The Office Action indicates that the drawings are objected to in view of various informalities and that the objection will not be held in abeyance. Proper formal drawings are enclosed herewith, thus obviating the objection.

Claims 33, 36, 37, 28, 41, 44 and 45 are rejected under 35 USC§112, second paragraph.

While Applicants believe the subject matter of such claims is abundantly clear to the skilled artisan, when read in view of the specification as is proper, the rejection also is believed to be obviated by the within amendment. In particular, claims 30-45 have been cancelled and rewritten as new claims 46-56. The newly proposed claims were drafted in order to clarify and further define the invention.

Withdrawal of the rejection is requested.

Claims 30-45 stand rejected under 35 USC§112, first paragraph. As grounds for the rejection, it is alleged that the noted claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors had possession of the claimed invention at the time the application as filed.

The Office Action goes on to expressly acknowledge that the specification as filed teaches the novel modified FRE1 sequence of SEQ ID NO:1 from *Saccharomyces cerevisiae*. It is further acknowledged that the modified FRE1 was shown to have ferric-chelate reductase activity as shown in Figures 16 and 17 of the present application. However, the position is taken that the specification allegedly does not provide an adequate written description for the scope of all the possible nucleic acid sequences claimed for use in plants.

While Applicants disagree with the rejection for the reasons already made of record, it also is submitted that the rejection is obviated by the within amendment. In particular, Applicants have cancelled claims 30-45 and rewritten the subject matter thereof as new claims 46-56. New claims 46-56 recite, for example, methods of making the nucleic acid and the nucleic acid having a modified base sequence of a ferric-chelate reductase gene derived from *Saccharomyces cerevisiae* FRE1.

Reconsideration and withdrawal of the rejection are requested.

Claims 30, 32, 33 and 36 stand rejected under 35 USC §102(a) over Wilson et al. (*Biochemical and Biophysical Research Communications*, Vo. 232, pp. 678-681, 1997).

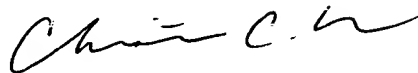
The rejection is traversed. Applicants submit that the cited reference does not teach or suggest the subject matter of claims 46-56 in any manner sufficient to sustain the §102(a) rejection. For example, see *In re Marshall*, 198 USPQ 344, 346 (CCPA 1978) ("[r]ejections under 35 U.S.C. §102 are proper only when the claimed subject matter is identically disclosed or described in the prior art.").

However, while Applicants disagree with the rejection, it also is believed to be obviated by the within amendments. Specifically, Applicants have cancelled claims 30-45 and rewritten the subject matter thereof as new claims 46-56, in an effort to further define and clarify the subject matter of the invention.

Accordingly, the rejection is properly withdrawn.

It is believed the application is in condition for immediate allowance, which action is earnestly solicited.

Respectfully submitted,



Christine C. O'Day
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VERSION WITH MARKINGS TO SHOW CHANGES

IN THE SPECIFICATION:

Page 6, line 13, was amended as follows:

Fig 3: A position of poly(A) addition in higher plant (~~SEQ ID NOS: 37 & 38~~).

Page 6, line 14, was amended as follows:

Fig 4: G- and T-rich sequence (~~SEQ ID NO: 36~~) in yeast gene *FRE1*.

Page 6, line 15, was amended as follows:

Fig. 6: Sequence of 30 primers (~~SEQ ID NOS: 5-34, respectively, in order of appearance~~)
used in the synthesis of *refre1*.

Page 6, line 17, was amended as follows:

Fig. 7: Relationship between *refre1* sequence (~~SEQ ID NO: 1~~) and primers (~~SEQ ID NOS: 5-34, respectively, in order of appearance~~).

Page 6, line 19, was amended as follows:

Fig. 9: Total sequence of designed *refre1* (~~SEQ ID NOS: 1 & 2~~).

Page 24, lines 5-6, was amended as follows:

Hybrid primer (dT¹⁷ adapter primer):

5'-GACTCGAGTCGACATCGATTTTTTTTTTTTTTTT-3' (~~SEQ ID NO: 35~~)

Page 24, lines 18-19, was amended as follows:

Primer specific to hybrid primer:

5'-GACTCGAGTCGACATCG-3' (~~SEQ ID NO: 3~~)

Page 24, lines 20-21, was amended as follows:

5' primer of *FRE1*:

5'-ACACTTATTAGCACTTCATGTATT-3' (SEQ ID NO: 4)

IN THE CLAIMS:

Claims 30-45 were cancelled without prejudice. New claims 46-56 were proposed for entry.

IN THE DRAWINGS:

The original drawing sheets 1/18 – 18/18 were replaced with the enclosed substitute drawing sheets 1/19 – 19/19.